



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,397	02/20/2002	Bernarr C. Schaeffer		6716

7590 07/12/2004

Joseph B. Taphorn
HAGAN FARMS
8 Scenic Drive
Poughkeepsie, NY 12603-5521

EXAMINER

FASTOVSKY, LEONID M

ART UNIT	PAPER NUMBER
----------	--------------

3742

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,397

Applicant(s)

SCHAEFFER ET AL.

Examiner

Leonid M Fastovsky

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6, 18 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) 2-6, 18 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota (JP406063093) in view of Perlman (4,998,006).
Hirota teaches substantially the claimed invention comprising a compact sauna (Fig. 1-5) for causing a user to sweat, plural heat sources 2 are provided in the lower portion of the floor consisting of a far infrared radiator 1, and heat generated from the heat source 2 is subjected to electromagnetic radiation into a sauna room through the far infrared radiator 1 (Abstract). However Hirota does not disclose a low-level of extremely low frequency electromagnetic fields.
Perlman discloses heating elements that can be used in heating panels where the device is brought into proximity with the human body. The element is

Art Unit: 3742

conventionally powered by 60 Hertz, 120 volts alternating current that produced little or no external electromagnetic field and it would have been obvious to combine in order to reduce potential harmful effects of magnetic fields produced by room heating panels (Col. 1, lines 44-55 and Col. 10).

5. Claim 3, 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota in view of Perlman.

Hirota in view of Perlman teaches substantially the claimed invention as stated above, including planar infrared radiator 1 and protrusions (Fig. 5). However Hirota does not disclose a low -level of extremely low frequency electromagnetic fields. Perlman discloses heating elements that can be used in heating panels where the device is brought into proximity with the human body. The element is conventionally powered by 60 Hertz, 120 volts alternating current that produced little or no external electromagnetic field and it would have been obvious to combine in order to reduce potential harmful effects of magnetic fields produced by room heating panels (Col. 1, lines 44-55 and Col. 10).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota in view of Perlman and further in view of Grise et al (4,485,297).

Hirota in view of Perlman teaches substantially the claimed invention, however they do not disclose that heaters are comprised of a thin substrate bearing a semi-conductor pattern, a pair of longitudinal stripes and a metallic conductor overlaying each stripe. Grise discloses heaters having a plurality of bars 18, a pair of longitudinal stripes 14 interconnected with the bars and a metallic conductor overlaying each stripe. It would have been obvious to one having

Art Unit: 3742

ordinary skill in the art to modify the invention of Hirota and Perlman to include a plurality of bars, a pair of longitudinal strips and a metallic conductor overlaying each stripe in order to replace other thin wire heaters (like Perlman) and to have a high uniformity in heat propagation at reduced cost as taught by Grise (Col. 1, lines 20-25).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP404279166 (infrared sauna), JP403097462 (infrared sauna).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 703-306-5482. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leonid M Fastovsky
Examiner
Art Unit 3742

lmf